

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

DEANDRA SHONTRELL GATEWOOD, et al.,

Plaintiffs,

v.

No. CV 19-573 GBW/CG

ESTATE OF JASON E. THOMPSON, et al.,

Defendants.

**ORDER GRANTING NON-PARTY'S MOTION TO  
PARTIALLY QUASH PLAINTIFFS' SUBPOENA**

**THIS MATTER** is before the Court on non-party Tommy W. Kays' *Motion to Partially Quash Plaintiffs' Subpoena to Tommy W. Kays* (the "Motion"), (Doc. 32), filed November 4, 2019. Plaintiffs Deandra Shontrell Gatewood, et al., did not file a Response to the Motion and the time for doing so has now passed. See D.N.M.LR-CIV 7.4(a) ("A response must be served and filed within fourteen (14) calendar days after service of the motion."). In accordance with the local rules, Plaintiffs' failure to respond in opposition to non-party Tommy W. Kays' Motion is viewed as consent for the Court to grant the Motion. See D.N.M.LR-CIV 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant a motion.").

**IT IS THEREFORE ORDERED** that non-party Tommy W. Kays' *Motion to Partially Quash Plaintiffs' Subpoena to Tommy W. Kays*, (Doc. 32), shall be **GRANTED**.

**IT IS SO ORDERED.**



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THE HONORABLE CARMEN E. GARZA  
CHIEF UNITED STATES MAGISTRATE JUDGE